



Billing Code: 4510-43-P

**DEPARTMENT OF LABOR**

**Mine Safety and Health Administration**

**Proposed Information Collection;** Representative of Miners,  
Notification of Legal Identity, and Notification of  
Commencement of Operations and Closing of Mines

**[OMB Control No. 1219-0042]**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Request for public comments.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Representative of Miners,

Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines.

**DATES:** All comments must be received on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal:*  
<http://www.regulations.gov>. Follow the on-line instructions for submitting comments for docket number [MSHA-2013-0039].
- *Regular Mail:* Send comments to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939.
- *Hand Delivery:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21<sup>st</sup> floor.

**FOR FURTHER INFORMATION CONTACT:** Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at [MSHA.information.collections@dol.gov](mailto:MSHA.information.collections@dol.gov) (e-mail); 202-693-9440 (voice); or 202-693-9441 (facsimile).

**SUPPLEMENTARY INFORMATION:**

## **I. Background**

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, 30 U.S.C. 813, authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners.

The Mine Act establishes miners' rights that may be exercised through a representative. Title 30, Code of Federal Regulations (30 CFR) Part 40 contains procedures that a person or organization must follow to be identified by the Secretary as a representative of miners. The regulations define what is meant by "representative of miners," a term that is not defined in the Mine Act.

Title 30 CFR 40.2 requires a representative of miners to file the information specified in 30 CFR 40.3 with the MSHA district manager and the mine operator. Title 30 CFR 40.3 requires the following information to be filed with MSHA:

(1) The name, address, and telephone number of the representative of miners. If the representative is an organization, the name, address, and telephone number of the organization and the title of the official or position, who is to serve as the representative and his or her telephone number.

(2) The name and address of the operator of the mine where the represented miners work and the name, address, and Mine Safety and Health Administration identification number, if known, of the mine.

(3) A copy of the document evidencing the designation of the representative of miners.

(4) A statement that the person or position named as the representative of miners is the representative for all purposes of the Act; or if the representative's authority is limited, a statement of the limitation.

(5) The names, addresses, and telephone numbers, of any representative to serve in his absence.

(6) A statement that copies of all information filed pursuant to this section have been delivered to the operator of the affected mine, prior to or concurrently with the filing of this statement.

(7) A statement certifying that all information filed is true and correct followed by the signature of the representative of miners.

Title 30 CFR 40.4 requires that a copy of the information provided the operator pursuant to section 40.3 be posted upon receipt by the operator on the mine bulletin board and maintained in a current status. Once the

required information has been filed, a representative retains his or her status unless and until his or her designation is terminated.

Under 30 CFR 40.5, a representative who becomes unable to comply with the requirements of Part 40 must file a written statement with the appropriate MSHA district manager terminating his or her designation.

Section 109(d) of the Mine Act requires each operator of a coal or other mine to file with the Secretary of Labor (Secretary), the name and address of such mine, the name and address of the person who controls or operates the mine, and any revisions in such names and addresses.

MSHA's regulations in 30 CFR Part 41 provides for the mandatory use of MSHA Form 2000-7, Legal Identity Report, for notifying MSHA of the legal identity of the mine operator. The legal identity of a mine operator is fundamental to enable the Secretary to properly ascertain the identity of persons and entities charged with violations of mandatory standards. It is also used in the assessment of civil penalties. Because of turnover in mining company ownership, and because of the statutory considerations regarding penalty assessments, the operator is required to file information regarding ownership interest in other mines held by the operator and relevant

persons in a partnership, corporation, or other organization. This information is also necessary to the Office of the Solicitor in determining proper parties to actions arising under the Mine Act.

Additionally, MSHA Form 7000-51, Mine Operator Identification Request, is used to allow mine operators to request an MSHA mine identification number for each mine. Mine operators request mine identification numbers prior to completing and submitting the required MSHA Form 2000-7. Therefore, allowing mine operators to submit MSHA Form 7000-51 electronically facilitates this process.

Notification of Commencement of Operations and Closing of Mines: Under 30 CFR 56.1000 and 57.1000, operators of metal and nonmetal mines must notify MSHA when the operation of a mine will commence or when a mine is closed. Openings and closings of mines are dictated by the economic strength of the mined commodity, and by weather conditions prevailing at the mine site during various seasons.

MSHA must be aware of mine openings and closings so that its resources can be used efficiently in achieving the requirements of the Mine Act. Section 103(a) of the Mine Act requires that each underground mine be inspected in its entirety at least four times a year, and each surface mine at least two times per year. Mines that operate only

during warmer weather must be scheduled for inspection during the spring, summer, and autumn seasons. Mines are sometimes located a great distance from MSHA field offices and the notification required by this standard can prevent wasted time and trips.

## **II. Desired Focus of Comments**

MSHA is soliciting comments concerning the proposed information collection related to Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of the MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or

other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This information collection request is available on <http://www.msha.gov/regs/fedreg/informationcollection/informationcollection.asp>. The information collection request will be available on MSHA's website and on <http://www.regulations.gov>. MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on [www.regulations.gov](http://www.regulations.gov) and [www.reginfo.gov](http://www.reginfo.gov).

The public may also examine publicly available documents at MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21<sup>st</sup> floor.

Questions about the information collection requirements may be directed to the person listed in the FOR FURTHER INFORMATION section of this notice.

### **III. Current Actions**

This request for collection of information contains provisions for Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines. MSHA has updated the data



in respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

*Type of Review:* Extension, without change, of a currently approved collection

*Agency:* Mine Safety and Health Administration

*OMB Number:* 1219-0042

*Affected Public:* Business or other for-profit

*Number of Respondents:* 10,196

*Frequency:* On occasion

*Number of Responses:* 10,196

*Annual Burden Hours:* 2,029 hours

*Annual Respondent or Recordkeeper Cost:* \$2,419

*MSHA Forms:* MSHA Form 2000-7, Legal Identity Report; MSHA Form 7000-51, Mine Operator Identification Request; MSHA Form 2000-238, Representative of Miners Designation Form.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

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Patricia W. Silvey  
*Certifying Officer*

Dated: January 28, 2014

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